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Perry Little  
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October 3, 2018  
VIA FACSIMILE AND U.S. MAIL

Governor Dennis Daugaard  
Attn: Secretary Steve Emery  
Attn: State Water Management Board  
Jeanne Goodman, Engineer (605) 773-4068  
Office of the Governor  
500 East Capitol Avenue  
Pierre, SD 57501  
Fax: (605) 773-4711

**Re: *Preserving the Sacred Black Hills and the Clean Water in Rapid Creek***

Dear Governor Daugaard:

One of the Yankton Sioux Tribe's (Tribe) top priorities is preserving the quality of water and we hope that is also one of the state's top priorities. Working towards our common goal of clean water, I am writing with regard to Rapid Creek. Rapid City is the second largest city in South Dakota, with 70,000 residents and over 2.4 million visitors each year. Approximately 20,000 Lakota, Nakota, and Dakota people reside in the area. As you know, the Black Hills are sacred lands to the Great Sioux Nation, designated by the 1851 and 1868 Sioux Nation Treaties as the "permanent home" to many tribal nations and we want to see the Black Hills area preserved in its pristine ecological condition. Likewise, State of South Dakota and local businesses are reliant on the pristine ecological condition of the Black Hills for tourist visitation to Rapid City, Mount Rushmore, and the Sturgis "Bike" Rally.

Rapid City's drinking water is drawn from Rapid Creek. It is filtered through stone, gravel, sand, and charcoal. Then chlorine is added and it is sent to the people of Rapid City to drink. Without having a public hearing or referring the matter to the State Water Management Board, and without conducting a Safe Drinking Water Act or National Historic Preservation Act Section 106 review, the Chief Engineer previously issued a temporary water permit to Mineral Mountain Resources (MMR) to use water for exploratory gold mining near Rochford, South Dakota. This permit includes authorization to draw 1.8 million gallons of water from Rapid Creek. That permit expired on May 1, 2018. Now MMR is seeking a new temporary water permit and the Water Management Board scheduled a hearing on October 4, 2018, in Pierre. The Water Management Board has scheduled a hearing in Pierre rather than Rapid City despite a Pennington County Commission Resolution call for such hearings to be held in Rapid City. The Tribe agrees with the Pennington County Commission Resolution, and we believe that the people in the affected area

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should be heard in the area that will be the most directly impacted by a permit. The Tribe asks you to call upon the Water Board to reschedule the hearing for next month in Rapid City.

MMR does not say that it plans to return the water to Rapid Creek, but its track record of releasing contaminants into Battle Creek near Keystone indicate a potential for similar outcome for Rapid Creek if the permit is issued. The United States Environmental Protection Agency, South Dakota Department of Energy and Natural Resources, and the Cheyenne River Sioux Tribe sued the Homestake Gold Mine to require clean-up of Whitewood Creek because the cyanide solution from gold mining process had turned the creek into a super fund site. That experience supports the need for a public hearing in Rapid City on any proposal for gold mining along Rapid City's main source of drinking water.

The Tribe respectfully requests that you demonstrate the State's commitment to clean, safe drinking water in Rapid City and the Black Hills by calling upon the State Water Management Board to hold a hearing in Rapid City on this important question of whether to renew a permit to draw water for gold mining along Rapid Creek. The Tribe directly requests a State Water Management Board hearing on the MMR request for any further water permitting by copying the Chief Engineer and the State Water Management Board on this letter.

I look forward to hearing from you on this important issue.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Robert Flying Hawk".

Robert Flying Hawk, Chairman  
Yankton Sioux Tribe Business & Claims Committee

cc: Chief Engineer, DENR  
State Water Management Board, DENR  
Pennington County Commission